

IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

SECOND APPELLATE DISTRICT

DIVISION TWO

COURT OF APPEAL - SECOND DIST.
FILED
JUL 16 2013
JOSEPH A. LANE Clerk
J. HATTER Deputy Clerk

MOLINA HEALTHCARE INC.,

Petitioner,

v.

THE SUPERIOR COURT OF LOS ANGELES COUNTY,

Respondent;

BALAJI PACHIYAPPAN,

Real Party in Interest.

B249667

(Los Angeles County
Super. Ct. No. NC057284)

(Ross M. Klein, Judge)

ALTERNATIVE WRIT OF MANDATE

TO THE SUPERIOR COURT OF LOS ANGELES COUNTY:

This court has read and considered the petition for writ of mandate, filed June 28, 2013, and accompanying record.

As to Requests Nos. 8, 9, 13, 17, 21, 22, 23, 24, 25, 26, 28, 29, 30, and 31, it appears that the superior court failed: (1) to evaluate, with regard to each aforementioned category of documents requested by plaintiffs, whether a compelling need for the information outweighs the third parties' privacy interests, (2) to narrow the scope of the document requests to the allegations of the complaint, and (3) to provide sufficient procedural safeguards in connection with the ordered disclosure, such as a protective order limiting use and disclosure of said documents to the present litigation. (*Life Technologies Corp. v. Superior Court* (2011) 197 Cal.App.4th 640, 654-655.)

This appearing to be an abuse of discretion, the superior court is hereby ordered either to:

(a) Vacate its order of May 31, 2013 granting plaintiffs' motion to compel production of documents with regard to the aforementioned categories, direct counsel for both parties to meet and confer to narrow the scope of the document requests, set a hearing where the superior court considers the revised document requests, and enter a new and different order in compliance with the parameters set by this court in the paragraph above; or

(b) In the alternative, show cause before this court in its courtroom at 300 South Spring Street, Los Angeles, California, 90013, on August 27, 2013, at 12:45 p.m., why a peremptory writ ordering the superior court to do so should not issue.

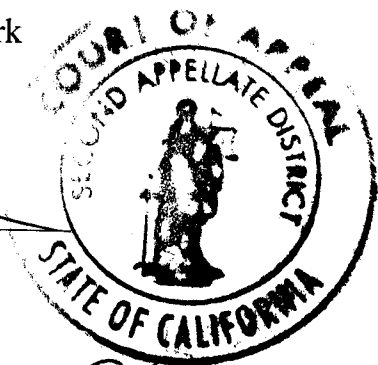
If the superior court complies with this writ by selecting alternative (a) above, petitioner is directed to provide this court with a copy of the superior court's minute order setting forth such compliance. Any such minute order shall reflect the superior court's compliance with *Brown, Winfield & Canzoneri, Inc. v. Superior Court* (2010) 47 Cal.4th 1233, 1250-1251, footnote 10.

WITNESS THE HONORABLE ROGER BOREN, Presiding Justice of Division Two of the Court of Appeal of the State of California, Second Appellate District.

ATTEST my hand and the seal of this court this 16th day of July, 2013.

JOSEPH A. LANE, Clerk


By 
Deputy Clerk





BOREN, P. J.


ASHMANN-GERST, J.


CHAVEZ, J.